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ABSTRACT

The California Community Colleges' (CCC) Flexible Calendar Program (FCP) allows districts to allocate up to 15 instructional days from the 175-day academic calendar to engage in staff, student, and instructional improvement activities. The CCC Board of Governors' Task Force on Flexible Calendar, drawing from three sources (i.e., program growth data, the Fund for Instructional Improvement's (FII's) project entitled "Assessment of Flex Calendar," and staff evaluations) conducted an evaluation of the FCP and proposed changes to Title 5 regulations governing the program's administration. Among the Task Force's findings are the following: (1) since the program's inception, the number of community colleges choosing the flexible calendar option has increased from 8 colleges in 1982-83, to an estimated 95 colleges in 1991-92; (2) the FII assessment concluded that the FCP is effective in helping deliver faculty and staff development programs; (3) the FII report recommended that FCP, FII, and faculty and staff development efforts be connected, that statewide funding be increased, that more guidance be provided to colleges implementing FCP, and that staff development programs and FCP be fully funded; and (4) staff evaluations of FCP from selected districts showed the program to be effective in providing time for districts to address their staff, student, and instructional improvement needs. The report concludes with major proposed changes in Title 5 regulations, including the creation of one set of consolidated and unduplicated guidelines. Appendixes present the proposed item-by-item changes to the FCP regulations, a section-by-section analysis of the proposed changes, and a list the names of the Task Force on Flexible Calendar members. (PAA)

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Board of Governors
California Community Colleges
July 11-12, 1991

FLEXIBLE CALENDAR: EVALUATION AND TITLE 5 REVISIONS 17

First Reading, Action Pending, September Board Meeting

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Board of Governors
California Community Colleges
July 11-12, 1991

FLEXIBLE CALENDAR: EVALUATION AND TITLE 5 REVISIONS 17

First Reading, Action Pending, September Board Meeting

Background

The Flexible Calendar Program allows districts to allocate up to 15 instructional days from the 175-day academic calendar to engage in staff, student, and instructional improvement activities. This is the first Board item on flexible calendar since July, 1982. This item presents an evaluation of this program and proposes changes to Title 5 (T-5) flexible calendar regulations.

The evaluation report describes the program and bases the evaluation on three sources: program growth, findings from a Fund for Instructional Improvement (FII) Project titled "Assessment of Flex Calendar," and staff evaluation.

Title 5 revisions are presented in response to task force recommendations to improve the program. These recommendations are also being brought forward in connection with "Title 5 Review." The *Title 5 Review* of last November transferred six flexible calendar *Education Code* sections to Title 5, Division 9, "Fiscal Support," Sections 58180-58188. This transfer created two sets of regulations. There was already one set of existing Title 5 flexible calendar regulations in Divison 6, "Curriculum and Instruction," Sections 55720-55732.

This Title 5 revision will create one set of unduplicated and updated regulations.

Analysis

Significant findings from the evaluation report are:

- Since the inception of the program, the number of Community Colleges choosing the flexible calendar option has increased dramatically. In 1982-83, there were only eight colleges on flex: in 1991-92, ninety-five colleges are expected to be on flex.

- The FII interim report on flex concluded that flexible calendar is effective in helping to deliver faculty and staff development programs.

- The key recommendations from this FII report are: connect flex, FII, and faculty and staff development; increase statewide staffing; provide more guidance to the field; and fully fund staff development and flex. (A full copy of the report is on file in the library of the Chancellor's Office.)

- Staff considers the flexible calendar to be effective in providing time for districts to solve their staff, student, and instructional improvement needs. Nearly all of the comments received, indicate flexible calendar to be a valuable program.

The major proposed changes to the 13 flexible calendar regulations are:

- Create one set of consolidated and unduplicated regulations except Section 58188.

- Delete four regulations which are consolidated into the one set of regulations.

- Delete outdated regulations on flex pilot operations and 1982 ADA adjustment.

- Amend one current regulation that is in conflict with the former and more recent *Education Code* Section (ECS) 84891, now T-5, Section 58180. Delete the requirement for course instruction each flex day and add course instruction and matriculation services as acceptable flexible calendar activities.

- Add student, faculty, and staff diversity to the list of flexible activities.

- The remaining revisions are grammatical, reference, and technical changes.

Appendix A provides the proposed changes to the flexible calendar regulations. Appendix B provides a section by section analysis of the proposed changes. Appendix C provides a list of members of the Task Force on Flexible Calendar.

This agenda item is being presented to the Board for initial review and comment. A recommendation for approval is anticipated for the Board's September meeting.

Staff Presentation: ***Rita Cepeda, Vice Chancellor***
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Flexible Calendar

Evaluation and Title 5 Revisions

I. An Evaluation Report

Background

The Flexible Calendar Program is authorized by *California Education Code* Section 84890 and is currently regulated by *California Code of Regulations*, Title 5, Sections 55720-55732 and 58180-58188. This program allows the districts to reduce the number of instructional days from the required 175 days to a minimum of 160. The remaining one to fifteen days must be used for authorized staff, student, and instructional improvement activities.

These staff, student, and instructional improvement activities are commonly referred to as "flexible calendar" activities and are to include, but not limited to the following:

- Course instruction and evaluation;
- Staff development, in-service training, and instructional improvement;
- Program and course curriculum, or learning resource development and evaluation;
- Student personnel services;
- Learning resource services;
- Related activities, such as student advising, guidance, orientation, and matriculation services;
- Departmental or division meetings, conferences and workshops, and institutional research;
- Other duties as assigned by the district; and
- The necessary supporting activities for the above.

Even though staff development is only one of the nine authorized flexible calendar activities, it is the heart of most flexible calendar activities.

Analysis

Several measures of effectiveness were used to evaluate the Flexible Calendar Program. This item bases the evaluation and analysis on three sources: program growth, findings from a Fund for Instructional Improvement (FII) Project titled "Assessment of Flex Calendar," and staff evaluation of the program.

A. Flex-Growth Rate

The number of Community Colleges participating in the Flexible Calendar Program has grown steadily. In the nine years since this program has been available, the number of Community Colleges participating in this program has increased from eight (1982-83) to seventy-eight (1990-91). Staff projects 95 Community Colleges will be on flexible calendar or nearly 90% of the system for 1991-92.

The details of the growth in system participation for the Flexible Calendar Program are displayed in Table 1.

Table 1

Flexible Calendar Participation Rate

Year	Number of Colleges on Flex	Percent of System	Percent Change from Previous Year	Change from Previous Year
1982-83	8	8%	NA	NA
1983-84	17	16%	+9	+13%
1984-85	22	21%	+5	+29%
1985-86	17	16%	-5	-29%
1986-87	24	23%	+7	+41%
1987-88	33	31%	+9	+38%
1988-89	42	42%	+9	+27%
1989-90	57	53%	+15	+36%
1990-91	78	73%	+21	+37%
1991-92	95 *	89% *	17 *	22% *

*Projected figures

Significant growth suggests that colleges find this optional scheduling program to be an effective mechanism for delivering staff, student, and instructional improvement activities.

B. FII Project: "Assessment of Flex Calendar"

The Chancellor's Office awarded a Fund for Instructional Improvement (FII) grant to Foothill College in May 1989, to conduct a project on the systemwide assessment of the flexible calendar program. This project was co-sponsored by the Academic Senate and the Chief Instructional Officers, in cooperation with the Council for Staff Development Officers. The project goals were to:

- Examine college practices under the flexible calendar provision of Title 5.
- Identify factors which will determine "success"of flexible calendar staff development practices.
- Review the findings of recent staff development research.
- Recommend to the Chancellor's Office the steps to promulgate and assure the effectiveness of flexible calendar practices.
- Recommend the level of funding and staff needed to assess current outcomes.
- Implement a plan to effect ongoing assessment of staff development practices.

The major activity of this project was to survey all the California Community Colleges. The Flexible Calendar Practices Survey gathered information to respond to these project goals. The project received a remarkable 100% return rate.

According to the FII interim report, the project concluded, "The Flexible Calendar Program is proving to be a very effective method of delivering Faculty and Staff Development programs to our colleges. That overall statement is supported by the predominantly positive responses to our survey and the continued growth of the program as more and more of our colleges join up."

In their survey, only 6 out of 107 colleges indicated they would not pursue flexible calendar. The remaining 101 colleges are either continuing with flex, applying for initial flex, or considering flex. These numbers are consistent with the significant growth of the program. One of the major reasons for this growth is the time provided to maximize professional development.

The major recommendations from this survey and interim report are:

- Connect Flexible Calendar with Faculty and Staff Development and Funds for Instructional Improvement.
- Provide more assistance to the colleges by increasing statewide the staffing and budget and/or supporting a field representative(s).
- Guide colleges on:
  - additional flex programs that can supplement and improve their current activities.
  - valuative processes to assess effectiveness.
- Develop a more effective evaluation and reporting system that is tied to Faculty and Staff Development reporting.
- Support the full funding of $20 million per year for Staff Development and Flexible Calendar.
- Assist local college coordinators by encouraging:
  - more time and resources for coordinators.
  - more continuity in this role.
  - slow and steady program growth.

In addition to those major recommendations, this survey also asked how the Chancellor's Office could more effectively promulgate and assure the effectiveness of Flexible Calendar practices. The responses to this question are displayed in Table 2.

C. Staff Evaluation

Title 5, Sections 55730(d) and 58186(d), requires districts on flexible calendar to annually evaluate the effectiveness of the conducted flexible calendar activities; however, districts are not required to submit their evaluation results to the Chancellor's Office. Nonetheless, the Chancellor's Office has voluntarily received several district evaluations. Evaluations were submitted with applications for continuing flex approval. Most of the evaluations were very positive. Evaluations varied from the use of a rating scale to narrative format.

Table 2

Comments to Promulgate Effectiveness of Flex

Number of Responses	General Areas of Promulgation
16	Provide written guidelines and workshops
8	Help educate trustees
7	Provide greater dissemination of information regarding successful practices
7	Assure budget support
7	Reduce red tape
5	Minimize paperwork
3	Keep the concept flexible
3	Share survey results
2	Have faith in local flex coordinators/administrators
2	Provide a statewide consultant
1	Provide early approval of calendar
1	Help with evaluation instrument
16	

Chancellor's Office staff also received positive comments during site visits, from the Flexible Calendar Task Force, at workshop presentations, and through other kinds of contacts with the field.

D. Conclusion

Flexible Calendar has proven to be successful in providing the time for faculty and staff development and the other authorized activities. The tremendous growth in the number of Community Colleges on the Flexible Calendar Option, the FII study, and staff evaluation combine as indicators of an effective program.

II. Proposed Changes to the Flexible Calendar Regulations

Background

The Task Force on Flexible Calendar was reconvened on April 6, 1989, after several years of absence. One of the charges to this Task Force from the Chancellor was to recommend changes to Title 5, flexible calendar regulations. The Task Force was not charged with reviewing or proposing any changes to the required minimum 175-day requirement (T-5, Section 58142).

The Task Force met several times and recommended that any changes to the flexible calendar regulations should:

- Delete outdated regulations that no longer are applicable.
- Update the regulations to:
  - insure consistency with the statutes,
  - coincide with current conditions, and
  - reflect the spirit of AB 1725.
- Streamline the reapproval process and still maintain accountability.

Task Force recommendations were subsequently coordinated with the *1990 Title 5 Review*. The *Title 5 Review*, effective April 5, 1991, transferred six *Education Code* sections (84890(b)-84895) to five Title 5 sections (58180-58188). This transfer created two sets of flexible calendar regulations because there is already an existing set of flexible calendar regulations (55720-55732). The proposed changes to the regulations eliminate any duplication caused by the *Title 5 Review*.

Appendix A provides the actual proposed changes to the flexible calendar Title 5 regulations.

Appendix B provides a detailed section-by-section analysis of the proposed changes.

APPENDIX A

Proposed Revisions of the Flexible Calendar Regulations

1. Section 55720 of Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* is repealed.

~~55720. Existing Flexible Calendar Pilot Operations.~~

~~(a) Districts with flexible calendar pilot operations approved by the Board of Governors prior to December 31, 1981, may continue such operations so long as they are not changed, and so long as they remain in compliance with the statutes, regulations, and terms and conditions of a approval existing at the time of approval. The Chancellor, however, shall adjust the state aid for such districts in accordance with the provisions of Section 84895.5 of the Education Code.~~

~~(b) If the governing board of an approved pilot district wishes to change its flexible calendar operation in any way, or if a district other than a pilot district wishes to offer courses under the flexible calendar, it must obtain approval of such changes in accordance with the provisions of this article.~~

~~NOTE: Authority cited: Sections 71020, 76902, and 84890, Education Code. Reference: Sections 75602, 79001, 84370, 84890, and 84892, Education Code.~~

2. Section 55720 is added to Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* to read:

55720. Offering Classes Under Flexible Calendar; Accountability of Employees Under Contract for 175 Days; Activities.

(a) Subject to the approval of the Chancellor pursuant to Section 55724, a community college district may designate an amount of time in each fiscal year for employees to conduct staff, student, and instructional improvement activities. These activities may be conducted at any time during the fiscal year. The time designated for these activities shall be known as flexible time.

(b) A district with an approved flexible calendar may designate as flexible time for an employee not more than 8.57 percent of that employee's contractual obligation for hours of classroom instruction which are eligible for state apportionments in that academic year, exclusive of any intersessions.

(c) Pursuant to Section 55726, a district with an approved flexible calendar shall ensure that all employees under contract with the district work at least 175 days, including flex days, in each academic year.

NOTE: Authority cited: Sections 66700, 70901, and 84890, Education Code. Reference: Sections 70901, and 84890, Education Code.

3. Section 55722 is added to Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* to read:

55722. Scheduling Configurations.

A flexible calendar is a community college calendar and course scheduling plan pursuant to Section 84890 of the Education Code and Section 55720 of this Part which may include, but is not limited to, the following scheduling configurations:

(a) 4-1-4 calendar comprised of two 16-week semesters with an intersession;

(b) traditional semester or quarters with some or all courses scheduled irregularly with respect to the number of times the course meets per week or the number of hours the courses meet during the scheduled days;

(c) modular scheduling for all or part of the courses within the traditional semester, quarter, or academic year;

(d) courses scheduled for student enrollment on an open entry-open exit basis;

(e) courses scheduled independently of any term configuration; or

(f) a combination of any one or more of the configurations in subdivisions (a) through (e).

NOTE: Authority cited: Sections 66700, 70901, and 84890, Education Code. Reference: Sections 70901, and 84890, Education Code.

4. Section 55724 of Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* is amended to read:

55724. Request for Approval.

(a) The governing board of a district wishing to conduct a flexible calendar pursuant to this Article shall obtain the advance approval of the Chancellor. The request for approval shall be on a form provided by the Chancellor, and shall address at least the following:

(1) a complete description of the calendar configuration;

(2) the number of days of instruction and evaluation which will meet the requirements of the 175-Day Rule (~~Article 2, commencing with~~ Section 58120, ~~of Chapter 2, Division 9~~ of this part);

(3) the number of days during which instructional staff will participate in staff, student, and instructional improvement in lieu of part of regular classroom instruction;

(4) the activities which college personnel will be engaged in during their designated staff, student and instructional improvement days. ~~Such activities must include at least some course instruction or evaluation during each of the designated days for instructors.~~ Activities for college personnel may also include, but need not be limited to, the following:

(A) course instruction and evaluation;

~~(A)~~ (B) ~~S~~staff development, in-service training and instructional improvement.;

~~(B)~~ (C) ~~P~~program and course curriculum or learning resource development and evaluation.;

~~(C)~~ (D) ~~S~~student personnel services.;

~~(D)~~ (E) ~~L~~learning resource services.;

~~(E)~~ (F) ~~R~~related activities, such as student advising, guidance, ~~and~~ orientation, matriculation services, and student, faculty, and staff diversity;

(G) departmental or division meetings, conferences and workshops, and institutional research.;

~~(F)~~ (H) ~~O~~other duties as assigned by the district.;

~~(G)~~ (I) ~~T~~the necessary support activities for the above.;

(5) A certification that all district personnel, as defined, will be involved in at least one of the activities authorized in subdivision 4. For the purposes of this section, "all college personnel" shall include any district employee specified by the district in its approved plan to participate in such activities.; and

(6) A certification that the district will fully implement the provisions of ~~Education Code Section 84894,~~ Section 55730, as well as a description of the current status of such implementation, and a timetable for completion of the initial implementation.

(b) The Chancellor shall approve ~~or deny within 60 days of receipt,~~ a request which is found to be complete~~, and which is found to meet~~ and meets the requirements of law. ~~In the approval process, the Chancellor shall give high priority to the availability of intensive courses for students offered during flex days.~~

NOTE: Authority cited: Sections ~~71020, 78002~~ 66700, 70901, and 84890, Education Code. Reference: Sections 84890-~~84895.5~~, Education Code.

5. Section 55726 of Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* is amended to read:

55726. Activities During Designated Days.

(a) For each instructor specified by the district to participate in staff, student, and instructional improvement activities in lieu of classroom instruction the district shall enter into an agreement with such employee specifying the particular activities during the designated days which the instructor will perform in lieu of classroom instruction. The agreement shall also specify the number of classroom hours which are being substituted with such activities, and the number of hours the instructor is required to spend carrying out the in-lieu-of instruction activities. The required hours of in-lieu-of instruction activities must at least be equal to the sum of the classroom hours from which the instructor is released plus those out-of-classroom hours of

responsibilities which will no longer need to be performed as the result of being released from classroom instruction.

(b) For each employee specified by the district to participate in staff, student, and instructional improvement activities during designated days the district shall also maintain records on the type and number of activities assigned, and the number of such employees participating in these activities.

NOTE: Authority cited: Sections ~~71020, 78002~~ 66700, 70901, and 84890, Education Code. Reference: Sections 84890 ~~and 84891,~~ Education Code.

6. Section 55728 of Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* is amended to read:

55728. Flexible Calendar Attendance Reporting.

(a) On forms provided by the Chancellor, districts with approved flexible calendar operations shall report at least the following:

(1) ~~T~~the total hours of classroom assignments (teaching time) which instructors specified in the district's approved plan were required to teach:;

(2) ~~O~~of the total in (1), the total faculty contact hours of instruction for which staff, student, and instructional improvement activities are being substituted. This total of faculty contact hours shall further be reported in terms of credit and noncredit faculty contact hours of instruction:; and

(3) ~~T~~the number of faculty contact hours of instruction for which instruction during the designated days is being substituted. Such instruction during the designated days meeting the attendance accounting standards may be claimed for apportionment; and the faculty contact hours shall not be eligible for adjustment pursuant to Section ~~84895 of the Education Code~~ 58188 of this Part.

(b) Districts with approved flexible calendar operations shall also report such additional data as deemed necessary by the Chancellor including any data necessary to compute the ADA adjustment specified in ~~Section 84895 of the Education Code, or any other necessary ADA adjustment~~ 58188 of this Part.

NOTE: Authority cited: Sections ~~71020, and~~ 84890, Education Code. Reference: Sections 84890, ~~and 84895,~~ Education Code.

7. Section 55730 of Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* is amended to read:

55730. Ongoing Responsibilities of Districts.

A district conducting an approved flexible calendar shall do all of the following to ensure effective use of resources during flex days:

(a) conduct and annually ~~U~~update ~~annually its initial survey,~~ a survey of the most critical staff, student, and instructional improvement needs in the district.~~:~~;

(b) develop and ~~C~~carry out a plan of activities to address the critical needs.;

(c) ~~M~~maintain records on the description, type and number of activities scheduled and the number of district employees and student participated in these activities.~~:~~;

(d) ~~E~~evaluate annually the effectiveness of conducted activities and update the plan to reflect needed changes.~~:~~;

(e) appoint and ~~H~~hold regular meetings of an advisory committee composed of faculty, students, administrators and other interested persons to make recommendations on staff, student, and instructional improvement activities.~~:~~; and

(f) ~~P~~provide, upon request of the Chancellor, copies of documents and information specified in Subsections (a) through (d), inclusive.

NOTE: Authority cited: Sections ~~71020~~ 66700, 70901, and 84890, Education Code. Reference: Section ~~84894~~ 84890, Education Code.

8. Section 55732 of Chapter 8 of Division 6 of Part VI of Title 5 of the *California Code of Regulations* is amended to read:

55732. Ongoing Responsibilities of the Chancellor.

The Chancellor shall:

(a) ~~A~~adjust state aid for districts with approved flexible calendar operations in accordance with the provisions of Sections ~~84895 and 84895.5 of the Education Code. For fiscal year 1982, the Chancellor shall also adjust the ADA of any district which has been newly approved to create a flexible calendar operation during that fiscal year. The adjustment shall be made in order that those districts do not experience an arbitrary gain or loss in average daily attendance as a result of shifting to a flexible calendar operation.~~ 58188 of this Part;

(b) ~~P~~periodically review documentation from selected districts to determine whether they are in compliance with the provisions of Sections 55726, 55728, and 55730, and to determine whether they are conducting their flexible calendar operations in a manner consistent with the approved requests. Districts which are found to be out of compliance shall be notified and be given an opportunity to respond.~~:~~; and

(c) ~~T~~terminate approval of any flexible calendar operation if it is found that the district has, without good cause:

(1) ~~F~~failed to conduct its flexible calendar operation in a manner consistent with its approved request.;

(2) ~~F~~failed to carry out the responsibilities specified in Section 55726.; or

(3) ~~F~~failed to meet its ongoing responsibilities as specified in Section 55730.

~~(d) Withhold the appropriate amount of state aid whenever there is a final audit finding that an instructor did not spend at least as much time performing staff, student, and instructional improvement activities as the amount of time he or she was released from classroom instruction.~~

~~(e) Report to the Legislature as required by Section 84895 of the Education Code.~~

NOTE: Authority cited: Sections ~~71020,~~ 66700, 70901, and 84890, Education Code. Reference: Sections 84890, ~~84893, 84894, 84895, 84895.5, and 84896,~~ Education Code.

9. Section 58180 of Chapter 2 of Division 9 of Part VI of Title 5 of the *California Code of Regulations* is repealed.

~~**58180. Offering Classes Under Flexible Calendar; Approval; Accountability of Employees Under Contract for 175 Days; Activities.**~~

~~(a) A community college district may designate an amount of time in each fiscal year for employees to conduct staff, student, and instructional improvement activities as specified in (b). These activities may be conducted at any time during the fiscal year. The time designated for these activities shall be known as flexible time.~~

~~A community college district may designate as flexible time for an employee not more than 8.57 of that employee's contractual obligation for hours of classroom instruction which are eligible for state apportionments in that academic year, exclusive of any intersessions.~~

~~(b) All employees under contract for the academic year with a community college district operating under an approved flexible calendar, pursuant to Section 84890 of the Education Code and (a) and Section 58182, shall be accountable pursuant to Section 58182, and as determined by the district, for the 175 workday academic year. The activities of all college personnel during the designated staff, student, and instructional improvement days are to include, but need not be limited to, the following:~~

~~(1) Course instruction and evaluation.~~

~~(2) Staff development, in-service training and instructional improvement.~~

~~(3) Program and course curriculum or learning resource development and evaluation.~~

~~(4) Student personnel services.~~

~~(5) Learning resource services.~~

~~(6) Related activities, such as student advising, guidance orientation, and matriculation services.~~

~~(7) Departmental or division meetings, conferences and workshops, and institutional research.~~

~~(8) Other duties as assigned by the district.~~

~~(9) The necessary supporting activities for the above.~~

~~NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 70901, Education Code.~~

10. Section 58182 of Chapter 2 of Division 9 of Part VI of Title 5 of the *California Code of Regulations* is repealed.

~~**58182. Scheduling Configurations.**~~

~~A flexible calendar is a community college calendar and course scheduling plan pursuant to Section 84890 of the Education Code and Section 58180 which may include, but is not limited to, the following scheduling configurations:~~

~~(a) 4-1-4 calendar comprised of two 16-week semesters with an intersession.~~

~~(b) Traditional semester or quarters with some or all courses scheduled irregularly with respect to the number of times the course meets per week or the number of hours the courses meet during the scheduled days.~~

~~(c) Modular scheduling for all or part of the courses within the traditional semester, quarter, or academic year.~~

~~(d) Courses scheduled for student enrollment on an open entry-open exit basis.~~

~~(e) Courses scheduled independently of any term configuration.~~

~~(f) A combination of any one or more of the configurations in subdivisions (a) through (e).~~

~~NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 70901, Education Code.~~

11. Section 58184 of Chapter 2 of Division 9 of Part VI of Title 5 of the *California Code of Regulations* is repealed.

~~**58184. Review of District Plans; Approval.**~~

~~The Chancellor's Office shall review districts' plans for a flexible calendar schedule submitted pursuant to Section 84890 of the Education Code and Section 58180. District plans to conduct staff, student, and instructional improvement activities in lieu of part of regular scheduled instruction during any of the designated flexible days shall be approved pursuant to Section 58186. In the approval process, the Chancellor shall give high priority to the availability of intensive courses for students offered during the flexible day. The average daily attendance for districts with plans approved pursuant to this section shall be adjusted by the Chancellor pursuant to Section 58188.~~

~~NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 70901, Education Code.~~

12. Section 58186 of Chapter 2 of Division 9 of Part VI of Title 5 of the *California Code of Regulations* is repealed.

~~58186. Distribution of Appropriations.~~

~~Any district requesting approval for a flexible calendar schedule pursuant to Section 58184 shall implement the following activities or procedures to assure the effective use of resources during designated flexible days:~~

~~(a) Conduct and update annually a survey of the most critical staff, student, and instructional improvement needs in the district.~~

~~(b) Develop a plan of activities to address the critical needs.~~

~~(c) Maintain records on the type and number of activities scheduled and the number of district employees and students participating in these activities.~~

~~(d) Evaluate annually the effectiveness of conducted activities and update the plan to reflect needed changes.~~

~~(e) Appoint an advisory committee to make recommendations on staff, student, and instructional improvement activities.~~

~~NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 70901, Education Code.~~

13. Section 58188 of Chapter 2 of Division 9 of Part VI of Title 5 of the *California Code of Regulations* is amended to read:

58188. Average Daily Attendance Units; Adjustment to Reflect Activities; Computation by Multiplier Factor.

(a) The Chancellor's Office shall adjust the actual units of average daily attendance of a district operating under a plan approved in accordance with Sections ~~58184 and 58186~~ 55720-32 of this Part to reflect the conduct of staff, student, and instructional improvement activities in lieu of scheduled instruction during flexible time. The adjusted units of average daily attendance shall be computed by multiplying the actual units of average daily in the academic year, exclusive of any intersessions, computed pursuant to Section 58003.1, by a factor which does not change the average daily attendance which would have otherwise have been generated if the time for the improvement activities had not been permitted and scheduled instruction had instead taken place.

(b) For courses other than those described in subdivision (b) of Section 58001.3, this multiplier factor shall equal the sum of the following:

(1) 1.0; and

(2) ~~T~~the total of all the actual hours of flexible time of all instructors pursuant to Section 84890 of the Education Code and Section ~~58180~~ 55720 in the fiscal year, divided by the total of all the actual hours of classroom instruction of all instructors in the academic year, exclusive of any intersessions.

(c) For those courses described in subdivision (b) of Section 58003.1, this multiplier factor shall equal the maximum term length multiplier set forth in that subdivision.

(d) The Chancellor shall also withhold the appropriate amount of state aid whenever there is a final audit finding that an instructor did not spend at least as much time performing staff, student, and instructional improvement activities as the amount of time he or she was released from classroom instruction.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 70901, Education Code.

APPENDIX B

Analysis of Proposed Changes to the Regulations

1. **Section 55720. Existing Flexible Calendar Pilot Operations.**

   This section has been repealed because there are no existing flexible calendar pilot districts.

2. **Section 55720. Offering classes under Flexible Calendar; accountability of employees under contract for 175 days; activities.**

   Subsections (a) and (b) are the former ECS 84890(b) which was converted to T-5, Section 58180(a) and subsequently transferred to this section. The language remains the same except the designation of flexible time is subject to the approval of the Chancellor is clarified.

   Subsection (c) clarifies district responsibility for ensuring employees work at least 175 days including flexible calendar days. This subsection is the former ECS 84891 which was converted to T-5, Section 58180(b) and subsequently transferred to this section.

3. **Section 55722. Scheduling Configurations.**

   This section is the former ECS 84892 which was converted to T-5, Section 58182 and subsequently transferred to this section. There is no change in language except for updating a reference citation.

4. **Section 55724. Request for Approval.**

   Maintains most of the language in the current T-5, Section 55724 except for the following major changes by subsection: In subsection (a), the four changes are: deletes the requirement of some course instruction or evaluation of each flex day, inserts "course instruction and evaluation," "matriculation services," and "student, faculty, and staff diversity" to the list of acceptable flex activities. The requirement of course instruction during flex is outdated and in conflict with the former and more recent ECS 84891, which subsequently was converted to T-5, Section 58180. The insertion of "course instruction and evaluation" and "matriculation services" is also necessary to update this regulation from the same ECS 84891. The addition of "student, faculty, and staff diversity" was recommended by the Task Force to be in accordance with the spirit of AB 1725

and to help meet one of the Board's *Basic Agenda* objective on fostering diversity. Subsection (b) relieves the Chancellor of the responsibility to approve requests within 60 days and deletes the high priority for instruction during flex because it conflicts with the intent of flexible calendar.

5. **Section 55726. Activities During Designated Days.**

No proposed changes.

6. **Section 55728. Flexible Calendar Attendance Documentation.**

Minor corrections proposed are: grammatical, reference citation, and clarification changes.

7. **Section 55730. Ongoing Responsibilities of Districts.**

District responsibilities are consolidated into one section. Language incorporated from former ECS 84894 and current T-5, Section 58184. No major changes in the new language.

8. **Section 55732. Ongoing Responsibilities of the Chancellor**

Deletes obsolete language regulating district ADA adjustment for the 1982 fiscal year. Transfer subsection (d) of this section to T-5, Section 58188. Subsection (d) deals with ADA adjustment and is more appropriate under the section covering ADA. Deletes outdated language requiring a report to the Legislature. This report to the Legislature was required by previously repealed ECS 84895.

9. **Section 58180. Offering Classes Under Flexible Calendar; Approval; Accountability of Employees Under Contract for 175 Days; Activities.**

Deletes this section. Subsection (a) is transferred to Section 55720(a) and (b). Parts of subsection (b) are transferred to Sections 55720(c) and 55724 (a).

10. **Section 55182. Scheduling configurations.**

Deletes this section and transfers to Section 55722.

11. **Section 58184. Review of District Plans; Approval.**

Deletes this section. The intent of this section is covered in Section 55724.

12. **Section 58186. Distribution of Appropriations.**

Deletes this section. Language is incorporated into Section 55730.

13. **Section 58188. Average Daily Attendance Units; Adjustment to Reflect Activities; Computation by Multiplier Factor.**

Corrects a reference citation and adds a new subsection (d) dealing with ADA. Subsection (d) was transferred from Section 55732(d). The language in Section 55732(d) is more appropriate under this section. This is the only flex calendar regulation section that remains in the Fiscal Support Division because it deals with fiscal matters.

APPENDIX C

California Community Colleges

Task Force on Flexible Calendar

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John Carhart
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Contra Costa CCD

Richard Sneed
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Raymond Liedlich
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JUL 19 1991

END

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OCTOBER 31, 1991